IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1010 OF 2005
IN
SUIT NO.990 OF 2005

Ramaswamy Seshadri Mohan & Ors. ... Plaintiffs

V/s.

N.Srikumar & Ors. ... Defendants

Mr.Shyam Diwan i/b Z.Tejani Poojari for Plaintiffs
Mr.N.R. Engineer for Defendant Nos.1 and 2
Mr.N.B. Bandang for Defendant No.3

CORAM: **S.C. DHARMADHIKARI, J.**

DATED: **JUNE 9, 2005**

P.C.:

. Heard Shri Diwan, appearing for the plaintiffs. Shri Engineer appears for Defendant Nos.1 and 2. Mr.N.B. Badang, appearing for Defendant No.3, makes a statement that presently Defendant No.3 is in possession of a flat, being Flat No.4, which is used by an employee of Defendant No.3. Mr.Badang makes a further statement that at present Defendant No.3 does not intend to alienate or dispose off the said flat in any manner. He also states that as and when Defendant No.3 intends to dispose off the flat or create any third party rights in respect thereof, he shall give 10 days' clear notice to the plaintiffs' advocate.

2. In view of these statements of Shri Badang, Shri Diwan does not press for any ad-interim relief. Needless to state that upon receipt of intimation from the learned Advocate appearing for Defendant No.3, it will be open for the plaintiffs to make appropriate application. Reserving such liberty to the plaintiffs, the Notice of Motion is made returnable in due course.

3. The learned Advocate appearing for the respective defendants waive service.

4. Needless to further state that all these statements made by Shri Badang are without prejudice to the rights and contentions of the Defendants. The same shall also not prejudice the rights of the plaintiffs.